



## MONTGOMERY COUNTY ETHICS COMMISSION

### Advisory Opinion No. 03-009 (Item 03-009)

A former public employee seeks a waiver in order to work for a company on a specific matter within 10 years after significantly participating in that same matter as a public employee. We will deny that request because the employee has not met the test for a waiver set out in § 19A-8(c).<sup>1</sup>

The employee worked for the County inspecting company B's facilities, ensuring compliance with County laws. At times, the employee would issue a citation or a Notice of Violation to B for violations of County law. The employee seeks a waiver to work for B, doing the same thing he did for the County, except that he would report to B and not the County.<sup>2</sup>

A former public employee must not for another person company on a specific matter within 10 years after significantly participating in that same matter as a public employee. § 19A-13(b). The employee will need a waiver to work for B.

The Commission may waive the prohibitions of § 19A-13(b) if it finds that (1) failing to grant the wavier may reduce the ability of the County to hire or retain highly qualified public employees or (2) the proposed employment is not likely to create an actual conflict of interest.

The employee has not provided the Commission with any information that would allow it to find that either of these conditions are met in this case. There is not so much as a suggestion that failing to grant this waiver would reduce the County's ability to hire or retain highly qualified employees. Neither is there any indication that the proposed employment is not likely to create an actual conflict of interest. There is no basis for the Commission to grant a waiver in this case.

FOR THE COMMISSION:

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Elizabeth K. Kellar, Chair

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<sup>1</sup> Unless otherwise indicated, all references refer to the Montgomery County Code (1994), as amended.

<sup>2</sup> The County does not have a contract with B, so § 19A-13(b) is not implicated.